## COMMONWEALTH OF KENTUCKY

## BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC ) CASE NO. CORPORATION FOR A GENERAL ) 2011-00036 ADJUSTMENT IN RATES )

## ORDER

By Order entered November 17, 2011, the Commission approved an increase in electric rates for Big Rivers Electric Corporation ("Big Rivers"). On December 6, 2011, Big Rivers filed, pursuant to KRS 278.400, a petition requesting rehearing on four issues adjudicated in that Order, and on December 8, 2011, the Commission entered an Order granting Big Rivers petition for rehearing. Then, on December 14, 2011, Kentucky Industrial Customers, Inc. ('KIUC"), an intervenor in this case, filed a motion requesting that the Commission vacate its Order granting the rehearing and dismiss the Big Rivers' petition for rehearing.

The KIUC motion to vacate and dismiss states that prior to the filing by Big Rivers of its petition for rehearing at the Commission, KIUC had filed on December 1, 2011 an action against the Commission in the Franklin Circuit Court, pursuant to KRS 278.410(1), seeking a review of the November 17, 2011 Order. KIUC's motion includes a memorandum of law in support of its position that the Commission lost jurisdiction over the issues in its November 17, 2011 Order once KIUC filed its action in the Franklin Circuit Court.

Based on the motion and being otherwise sufficiently advised, the Commission finds that all parties to the case should have an opportunity to address the issue of jurisdiction as raised in KIUC's motion to dismiss. Consequently, we will establish a briefing schedule for all parties to file, individually or jointly, response memoranda, with an opportunity for KIUC to file a reply.

IT IS THEREFORE ORDERED that all parties except KIUC shall file, individually or jointly, no later than December 29, 2011, response memoranda of law on the issue of jurisdiction raised by KIUC, and KIUC shall file no later than January 9, 2012 a reply memorandum.

By the Commission

ENTERED

DEC 2 0 2011

KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Jason D. Drumush for Executive Director

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